

**RECEIVED  
CENTRAL FAX CENTER****JAN 19 2007**REMARKS

Claims 1, 7-9, 16-23, 25, 26, 29-33, 35, 36, and 39-53 were presented for examination. In the office action, claims 1, 7-9, 16-23, 25, 26, 29-33, 35, 36, 39-53 are rejected under 35 U.S.C. § 103(a) based on Morishita (U.S. Patent No. 5,529,956) in view of Harshfield (U.S. Patent No. 6,031,287).

Applicant respectfully requests reconsideration of the pending claims in view of the foregoing amendments and the following remarks.

Applicant has amended claims 1, 16, 17, 19-22, 25, 30-33, 35, 40-43, and 47-49 to more succinctly claim the invention. Additionally, applicant has added claims 58-87. Support for the amendments is found in the specification and claims of the application as filed. Accordingly, applicant submits that no new matter has been introduced by the foregoing amendments.

Applicant respectfully submits that amended independent claims 1, 20, 30, 41, and 47 are allowable over the proposed combination of Morishita and Harshfield because the references do not teach or suggest each and every limitation, either individually or in combination, found in the independent claims. Accordingly, applicant submits that since claims 7-9, 16-19, 21-23, 25, 26, 29, 31-33, 35, 36, 39, 40, 42-46, 48-53, and new claims 58-75 depend from the aforementioned respective independent claims, the dependent claims are also allowable over the combination of the references.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest each and every limitation of the claimed invention. Furthermore, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the

applicants disclosure. In re Vacek, 947 F.2d 488, 20 USPQ2d 1438, 1053 (Fed. Cir. 1991).

In particular and referring to independent claims 1 and 20, Harshfield and Morishita do not teach or suggest, either individually or in combination, at least the following limitations: "forming a conductive layer on said sidewall surface and a portion of said bottom surface, said portion being less than the entire bottom surface...forming a programmable resistance material in electrical communication with said conductive layer."

Referring to independent claims 30 and 41, Harshfield and Morishita do not teach or suggest, either individually or in combination, at least the following limitations: "forming a conductive layer on said sidewall surface and a portion of said bottom surface, said portion being less than the entire bottom surface...forming a chalcogenide material in electrical communication with said conductive layer."

Referring to independent claim 47, Harshfield and Morishita do not teach or suggest, either individually or in combination, at least the following limitations: "forming a conductive layer on said sidewall surface and a portion of

said bottom surface, said portion being less than the entire bottom surface...forming a phase-change material in electrical communication with said conductive layer."

Since the proposed combination of Morishita and Harshfield fail to teach or suggest each and every limitation found in independent claims 1, 20, 30, 41, and 47, applicant submits that the claims are allowable over the combination of the references.

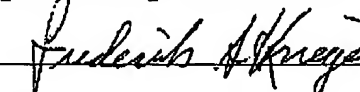
Accordingly, applicant respectfully submits that since claims 7-9, 16-19, 21-23, 25, 26, 29, 31-33, 35, 36, 39, 40, 42-46, 48-53, and new claims 58-75 depend from the aforementioned respective independent claims, the dependent claims are also allowable over the combination of the references for at least the same reasons as the respective independent claims.

Referring to new claims 76-87, applicant respectfully submits that Harshfield and Morishita, either individually or in combination, do not teach or suggest each and every limitation found in claims 76-87. Accordingly, applicant submits that claims 76-87 are also allowable over the references.

It is believed that the foregoing amendments and remarks are fully responsive to the office action dated October 19, 2006 and that the pending claims 1, 7-9, 16-23, 25, 26, 29-33, 35, 36, 39-53 and new claims 58-87 are in a condition of allowance. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this amendment or otherwise concerning this application, please charge them to Deposit Account No. 05-1068.

Respectfully submitted,

By 

Frederick A. Krieger  
Reg. No. 57,439

Date: January 19, 2007  
Energy Conversion Devices, Inc.  
2956 Waterview Drive  
Rochester Hills, MI 48309  
Phone (248) 299-6045  
Fax (248) 844-2273